



41 CFR Chapters 101, 102, 105, 300, and 302

48 CFR Chapter 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2019 edition. This agenda was developed under the guidelines of Executive Orders 12866 “Regulatory Planning and Review,” as amended, Executive Order 13771 “Reducing Regulation and Controlling Regulatory Costs,” and Executive Order 13563 “Improving Regulation and Regulatory Review.” GSA’s purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Published proposed rules may be reviewed in their entirety at the Government’s rulemaking website at <http://www.regulations.gov>.

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA’s printed agenda entries include only:

- (1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
- (2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street, NW, 2nd Floor, Washington, DC 20405-0001, 202-501-2735.

This document of the General Services Administration was signed on September 4, 2020, by Jessica Salmoiraghi, Associate Administrator, Office of Government-wide Policy. That document with the original signature and date is maintained by the General Services Administration. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the General Services Administration has delegated authority to the undersigned RISC Federal Register Liaison Officer to re-sign and submit the document in electronic format for publication, as an official document of the General Services Administration. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.

Dated: March 16, 2021.

Alvin Levi Harrod,

Federal Register Liaison Officer, Regulatory Information Service Center.

General Services Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
325	General Services Acquisition Regulation (GSAR); GSAR Case 2016-G511, Contract Requirements for GSA Information Systems	3090–AJ84
326	General Services Acquisition Regulation (GSAR); GSAR Case 2019-G503, Streamlining GSA Commercial Contract Clause Requirements	3090–AK09
327	General Services Acquisition Regulation (GSAR); GSAR Case 2020-G502, Increasing Order Level Competition for Federal	3090–AK15

	Supply Schedules	
328	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G503, Increasing Order Level Competition for Indefinite-Delivery, Indefinite-Quantity Contracts	3090–AK16
329	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G504, Federal Supply Schedule Catalog Management	3090–AK17
330	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G505, Clarify Commercial Item Contract Terms and Conditions	3090–AK18
331	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G509, Extending Federal Supply Schedule Orders Beyond the Contract Term	3090–AK19
332	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G510, Federal Supply Schedule Economic Price Adjustment	3090–AK20
333	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules	3090–AK21
334	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G512, System for Award Management Representation for Leases	3090–AK22
335	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G513, Lease Payment Procedures	3090–AK23
336	General Service Acquisition Regulation (GSAR); GSAR Case 2020-G517, Contracting Exemption for Regulated Utilities	3090–AK24
337	General Service Acquisition Regulation (GSAR); GSAR Case	3090–AK29

	2020-G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions	
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General Services Administration (GSA)	Proposed Rule Stage

OFFICE OF ACQUISITION POLICY

325. GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2016–G511, CONTRACT REQUIREMENTS FOR GSA INFORMATION SYSTEMS

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and update requirements for contracts that involve GSA information systems. GSA's policies on cybersecurity and other information technology requirements have been previously issued and communicated by the Office of the Chief Information Officer through the GSA public website. By incorporating these requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

This rule will require contracting officers to incorporate applicable GSA cybersecurity requirements within the statement of work to ensure compliance with Federal cybersecurity requirements and implement best practices for preventing cyber incidents. Contract requirements for internal information systems, external contractor systems, cloud systems, and mobile systems will be covered by this rule. This rule will also update existing GSAR provision 552.239-70, Information Technology Security Plan and Security Authorization, and GSAR clause 552.239-71, Security Requirements for Unclassified Information

Technology Resources, to only require the provision and clause when the contract will involve information or information systems connected to a GSA network.

Timetable:

Action	Date	FR Cite
NPRM	01/00/21	
NPRM Comment Period End	03/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AJ84

326. GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2019-G503, STREAMLINING GSA COMMERCIAL CONTRACT CLAUSE REQUIREMENTS

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline requirements for GSA commercial contracts. This rule will update GSAR Clauses 552.212-71 and 552.212-72 to remove any requirements that are not necessary by law or Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	01/00/21	

NPRM Comment Period End	03/00/21	
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Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK09

327. GENERAL SERVICES ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G502, INCREASING ORDER LEVEL COMPETITION FOR FEDERAL SUPPLY SCHEDULES

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and update requirements for contracts that involve GSA information systems. GSA's policies on cybersecurity and other information technology requirements have been previously issued and communicated by the Office of the Chief Information Officer through the GSA public website. By incorporating these requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/20	85 FR 50989
ANPRM Comment Period End	09/18/20	

NPRM	03/00/21	
NPRM Comment Period End	05/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK15

328. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G503, INCREASING ORDER LEVEL COMPETITION FOR INDEFINITE-DELIVERY, INDEFINITE-QUANTITY CONTRACTS

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to implement section 876 of the National Defense Authorization Act (NDAA) for Fiscal Year 2019 (Pub. L. 115-232) as it relates to certain indefinite-delivery, indefinite-quantity contracts. Section 876 amended 41 U.S.C. 3306(c) by providing an exception to the requirement to consider price as an evaluation factor for the award of certain indefinite-delivery, indefinite-quantity contracts and Federal Supply Schedule contracts. A separate case, GSAR Case 2020-G502, will address the implementation of Section 876 in relation to Federal Supply Schedule contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/00/21	
NPRM Comment Period End	05/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK16

329. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G504, FEDERAL SUPPLY SCHEDULE CATALOG MANAGEMENT

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to consolidate all terms related to Federal Supply Schedule catalog management, which are currently spread across multiple clauses, into one consolidated clause.

Timetable:

Action	Date	FR Cite
NPRM	02/00/21	
NPRM Comment Period End	04/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK17

330. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G505, CLARIFY COMMERCIAL ITEM CONTRACT TERMS AND CONDITIONS

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to clarify commercial item contract terms and conditions. This rule will update GSAR Clause 552.212-4 to clarify the prescription and language applicable for the different clause alternates.

Timetable:

Action	Date	FR Cite
NPRM	02/00/21	
NPRM Comment Period End	04/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AK18

331. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G509, EXTENDING FEDERAL SUPPLY SCHEDULE ORDERS BEYOND THE CONTRACT TERM

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify, update, and incorporate existing Federal Supply Schedule (FSS) program policies and procedures regarding performance of orders beyond the term of the base FSS contract. Specifically, the local FSS program policy titled I-FSS-163 Option to Extend the Term of the Contract (Evergreen) will be incorporated.

Timetable:

Action	Date	FR Cite
NPRM	03/00/21	
NPRM Comment Period End	05/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK19

332. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G510, FEDERAL SUPPLY SCHEDULE ECONOMIC PRICE ADJUSTMENT

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify, update, and incorporate Federal Supply Schedule (FSS) program policies and procedures regarding economic price adjustment. This rule will update GSAR Clause 552.216-70 to incorporate the clause alternates in GSA's existing class deviation CD-2019-14.

Timetable:

Action	Date	FR Cite
NPRM	03/00/21	
NPRM Comment Period End	05/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK20

333. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G511, UPDATED GUIDANCE FOR NON-FEDERAL ENTITIES ACCESS TO FEDERAL SUPPLY SCHEDULES

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c); 40 U.S.C. 502

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and clarify the requirements for use of Federal Supply Schedules by eligible Non-Federal Entities, such as state and local governments. Eligible Non Federal Entities are able to use Federal Supply Schedules based on authority from various laws, including 40 U.S.C. 502(c).

Timetable:

Action	Date	FR Cite
NPRM	03/00/21	
NPRM Comment Period End	05/00/21	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Thomas O'Linn, Procurement Analyst, General Services Administration, 1800 F Street, NW, Washington, DC 20405

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RIN: 3090-AK21

334. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G512, SYSTEM FOR AWARD MANAGEMENT REPRESENTATION FOR LEASES

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove the requirement for lease offerors to have an active System for Award Management (SAM) registration when submitting offers and instead allow offers up until the time of award to obtain an active SAM registration. Entities seeking Federal leases differ from the typical entities seeking Federal contracts in that common practice is to form a new entity for every new lease offer. Requiring representations from these entities prior to offer submission restricts competition. In addition, the tools in SAM typically used in the Government's evaluation of offers do not add value when evaluating lease offers.

Timetable:

Action	Date	FR Cite
NPRM	03/00/21	
NPRM Comment Period End	05/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AK22

335. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020–G513, LEASE PAYMENT PROCEDURES

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to establish a new clause to allow for a pass-through of taxes under payments for lease construction. The real estate tax base for a newly built or renovated building is uncertain until a tax assessment is completed, which can be a year or more after occupancy in some jurisdictions. Removing the tax base from the shell rent of a lease and providing a pass-through of the real estate taxes in lieu of a real estate tax adjustment over a base during the term of the lease will remove an element of risk from the pricing of rent, will result in greater competition, and will lower rental rates.

Timetable:

Action	Date	FR Cite
NPRM	02/00/21	
NPRM Comment Period End	04/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK23

**336. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G517,
CONTRACTING EXEMPTION FOR REGULATED UTILITIES**

EO 13771 Designation: Other

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove the requirement to establish a contract for

services provided by regulated public utilities. This rule provides a deviation to Federal Acquisition Regulation (FAR) 41.201 to remove the unnecessary and burdensome requirements to seek bilateral written contracts for services provided by public utilities and to implement new, more efficient procedures in the GSAR to streamline the process. This deviation only applies to the acquisition of services from regulated public utilities. Based on review of 31 U.S.C. 1501 (a)(8) and opinions from the Government Accountability Office (GAO), the procedures set forth at FAR 41.2 are not necessary in order to comply with applicable fiscal law regarding the recording of obligations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/21	
NPRM Comment Period End	05/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AK24

**337. GENERAL SERVICE ACQUISITION REGULATION (GSAR); GSAR CASE 2020-G534,
EXTENSION OF CERTAIN TELECOMMUNICATION PROHIBITIONS TO LEASE ACQUISITIONS**

EO 13771 Designation: Regulatory

Legal Authority: 40 U.S.C. 121(c); 5 U.S.C. 801

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to extend the requirements of section 889 of the National Defense Authorization Act (NDAA) for FY 19 (Pub. L. 115-232) to lease acquisitions by requiring inclusion of the related Federal Acquisition Regulation (FAR) provisions and clause. Generally, the FAR does not apply to leasehold acquisitions of real property. However, several FAR provisions have been adopted based on

statutory requirements through GSAR part 570. Section 889 of the NDAA for FY 19 applies to Government lease acquisitions and extension of the FAR requirements will ensure compliance.

Timetable:

Action	Date	FR Cite
NPRM	02/00/21	
NPRM Comment Period End	04/00/21	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AK29

BILLING CODE 6820–34–P

[FR Doc. 2021-05848 Filed: 3/30/2021 8:45 am; Publication Date: 3/31/2021]